

Rule 102. Purpose.

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Comment to 2012 Amendment

The language of Rule 102 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Cases

102.015 The courts interpret the Arizona Rules of Evidence according to the principles of statutory construction.

State v. Aguilar, 209 Ariz. 40, 97 P.3d 865, ¶¶ 23–24 (2004) (court looked at plain language of rule to interpret Rule 404(c)).

102.020 Because the Arizona Rules of Evidence were adopted from the Federal Rules of Evidence, federal court interpretation of the Federal Rules of Evidence is persuasive, and uniformity in interpretation of the Federal rules and the Arizona rules is highly desirable.

Hernandez v. State, 203 Ariz. 196, 52 P.3d 765, ¶ 10 (2002) (in interpreting Rule 408, court noted it looks to federal law when Arizona rule is identical to corresponding federal rule).

State v. Green, 200 Ariz. 496, 29 P.3d 271, ¶ 10 (2001) (in interpreting Rule 609(b), court noted that, when interpreting evidentiary rule that predominantly echoes its federal counterpart, court often looks to federal court interpretation for guidance).

Orme School v. Reeves (College World Services, Inc.), 166 Ariz. 301, 304, 802 P.2d 1000, 1003 (1990) (court adopts federal court interpretation of civil procedure Rule 56(b)).

State v. Piatt, 132 Ariz. 145, 149, 644 P.2d 881, 885 (1981) (in interpreting Rule 601, court cited to federal Advisory Committee's Note attending federal Rule 601, which Arizona adopted with little variation).

102.025 Although the Arizona Rules of Evidence were adopted from the Federal Rules of Evidence, the Arizona courts are not bound by the non-constitutional interpretation by the federal courts when construing the Arizona Rules of Evidence, thus uniformity in interpretation of the Federal rules and the Arizona rules is not necessarily desirable if the Arizona courts do not agree with the interpretation given by the federal courts.

Logerquist v. McVey (Danforth), 196 Ariz. 470, 1 P.3d 113, ¶ 56 (2000) (in interpreting Rule 702, because role of trial judge is to determine admissibility of evidence and role of jurors is to weigh credibility, Arizona Supreme Court refused to adopt *Daubert/Joiner/Kumho* interpretation of Rule 702 because that interpretation requires trial judge to weigh credibility of expert witness).

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State v. Terrazas, 189 Ariz. 580, 582, 944 P.2d 1194, 1196 (1997) (in interpreting Rule 404(b) and in determining the level of proof necessary for admission of evidence of other crimes, wrongs, or acts, Arizona Supreme Court rejected United States Supreme Court's adoption of preponderance of evidence standard, and instead adopts clear and convincing evidence standard).

102.030 When the trial court makes a ruling, or in a trial to the court, the appellate court will not reverse for errors in receiving improper matters in evidence provided there is sufficient competent evidence to sustain the ruling, it being presumed, absent affirmative proof to the contrary, that the trial court considered only the competent evidence in arriving at the final judgment.

State v. Djerf, 191 Ariz. 583, 959 P.2d 1274, ¶ 41 (1998) (court rejected defendant's contention that, when trial court stated it had considered "all" evidence, it must have considered inadmissible evidence in determining aggravating circumstances).

State v. Powers, 200 Ariz. 123, 23 P.3d 668, ¶ 20 (Ct. App. 2001) (defendant contended trial court erred in admitting "emotional testimonials and evidence regarding the deceased" from victim's family and friend; court held that, absent proof to the contrary, trial judge must be presumed to be able to focus on relevant sentencing factors and to set aside irrelevant, inflammatory, and emotional factors), *aprov'd on other grounds*, 200 Ariz. 363, 26 P.3d 1134 (2001).

State v. Estrada, 199 Ariz. 454, 18 P.3d 1253, ¶ 11 (Ct. App. 2001) (state and defendant presented aggravating and mitigating evidence, and trial court imposed aggravated sentence; court rejected defendant's contention that trial court was required to articulate mitigating factors even when imposing aggravated sentence, and further rejected defendant's contention that trial court had not considered mitigating evidence, stating it was presumed trial court considered all evidence that was before it).

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